



**DEVELOPMENT  
SERVICES  
DEPARTMENT**

# The City of Morgantown

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January 22, 2015

Games Galore  
c/o Chris Hendershot  
31 South Street  
Cumberland, MD 21502

**RE: V15-01 / Games Galore / 40 High Street  
Tax Map 28, Parcel 75**

Dear Mr. Hendershot,

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced variance petition for variance relief from Article 1369 as it relates to signage at 40 High Street.

The decision is as follows:

**Board of Zoning Appeals, January 21, 2015:**

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board approved Case No. V15-01 granting a 14.4 square foot variance from the maximum wall sign area standard without conditions.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approval is set to expire in twelve (12) months unless you can demonstrate that it has been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board. Please note that sign and building permits must be obtained prior to the commencement of work for which variance relief was granted herein.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving your plans review and permitting needs.

Respectfully,

Stacy Hollar  
Executive Secretary

## ADDENDUM A – Approved Findings of Fact

V15-01 / Games Galore / 40 High Street

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**Finding of Fact No. 1** – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

The sign that Games Galore, LLC would like to permanently use will not adversely affect those conditions because the sign is neither obnoxious or disproportionate to its surroundings. In other words – it fits in with the rest of the plaza and surrounding High Street area. The sign is proportionate in size and is made of similar materials to our neighbors.

**Finding of Fact No. 2** – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

A sign that would fit into the 9 square foot parameters called for by city zoning is unusually small for a store in a shopping plaza and simply not visible from the road.

**Finding of Fact No. 3** – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

The variance Games Galore is requesting will eliminate the hardship of multiple signs being created, designed, and paid for. The sign will allow the business more visibility and to experience more success in the City of Morgantown.

**Finding of Fact No. 4** – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

The variance, if approved, will allow for the intent of the zoning ordinance to be observed and justice done because it will allow a new business in the City to advertise its store front to potential customers within a reasonable way that fits in with the existing surroundings and conditions.